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September 30, 2013

Debra Mahnke
Water Resource Control Engineer
Central Valley Regional Water Quality Control Board
1685 E. Street, Fresno CA 93706

RE: Proposed Waste Discharge Requirements
City of Bakersfield/County of Kern
(NPDES Permit No. CA0083399)

Dear Ms. Mahnke:

Kern Delta Water District (Kern Delta) has received the California Regional Water Quality Control Board's (RWQCB) Notice of Public Hearing regarding the proposed adoption of Waste Discharge Requirements for the City of Bakersfield and the County of Kern with respect to the discharges from their Municipal Separate Storm Sewer System (MS4). We appreciate the opportunity to comment on this important matter.

We note it is stated in Section V of the Fact Sheet, under the subheading *Storm Drain System*, "Storm water runoff from the Bakersfield Urbanized Area is directed to either one of approximately 322 terminal retention basins or to one of 52 direct outfalls or 10 indirect outfalls (discharging after flowing through detention basins) discharging to the Kern River, East Side Canal, Carrier Canal, Stine Canal, or Kern Island Canal. Approximately 90 percent of the average annual storm water runoff is retained in storm water detention basins. The Kern River and the canals are considered water of the United States." Additionally, Finding 6 of the proposed order states "... distribution canals are considered to be waters of the United States. . . ." Please note that Kern Delta is the owner/operator of the Eastside Canal, Stine Canal, and the Kern Island Canal and is the partial owner of, and utilizes the Carrier Canal. Please be advised the Kern Delta canals are manmade (often consisting partially of pipelines and culverts) which provide irrigation water supplies only. They do not feed, enter into, or provide water to waters of the United States, and therefore we believe the categorization of such as waters of the United States is incorrect.

We also note the Notice of Public Hearing provides, "Storm water runoff from the MS4 discharges primarily to groundwater, but also discharges to the Kern River and local canals." Additionally, Finding 20 of the proposed order states "Estimates by the Permittees show that during an average year, the MS4 retains ninety percent of the urban runoff from the permit area in storm water retention basins located throughout the permit area. The remaining 10% is discharged either directly to a receiving water or is detained in a storm water detention basin and then discharged." Based upon this finding it appears the MS4 discharges may impact both surface and groundwater.

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Kern Delta has become aware of the newly adopted RWQCB Irrigated Lands Regulatory Program (ILRP), which imposes significant new burdens on agricultural practices in Kern County. Because the MS4 will discharge into both groundwater and irrigation supply waters, we believe that the monitoring and reporting requirements related to MS4 discharges should be coordinated and consistent with the ILRP requirements, and be of sufficient detail such that any water quality degradation attributable to the MS4 discharges (surface or groundwater) should be readily ascertainable, available, and reported.

Again, Kern Delta Water District appreciates the opportunity to comment on this very important matter. Please do not hesitate to contact the undersigned if you have any questions, comments, or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Mark Mulkay". The signature is fluid and cursive, with the first name "L." being small and the last name "Mulkay" being larger and more prominent.

L. Mark Mulkay
General Manager
Kern Delta Water District

CC: RWH
(Your File No. G 6.11.3)